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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,582	04/01/2004	Eiichi Kito	Q80868	5888
23373	7590	12/11/2008	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CHAMPAGNE, LUNA	
ART UNIT	PAPER NUMBER			
	3627			
MAIL DATE	DELIVERY MODE			
12/11/2008	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,582	<b>Applicant(s)</b> KITO, EIICHI
	<b>Examiner</b> LUNA CHAMPAGNE	<b>Art Unit</b> 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 9/22/08.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s)       is/are withdrawn from consideration.

5) Claim(s)       is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s)       is/are objected to.

8) Claim(s)       are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on       is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No.      .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date      

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date      

5) Notice of Informal Patent Application

6) Other:

**DETAILED ACTION**

Applicant's correspondence received on 9/22/08 is acknowledged. Claims 1-18 are presented for examination. Claims 15-18 are new.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 8, 13 are rejected under 35 U.S.C. 102(b) as being unpatentable by Ueda et al. (2001/0042086 A1).

Re claim 1, Ueda et al. disclose a print order receipt unit comprising: reading means for reading image data of an image recorded on a recording medium; a display on which said image from said image data read by said reading means is displayed; print order input means for inputting for a print order of said image recorded on the recording medium; a first processing system for displaying said image from said image data read by said reading means on said display and receiving an order instruction from said input means using said displayed image to generate order information; first storage means into which said image data of said image read by said reading means is stored (see e.g. paragraph 0012); and a second processing system for storing said image data read by said reading means into said first storage means in parallel with processing by said first processing system (see e.g. paragraph 0013 – *print order receiving device*

*comprises a display screen, ....a memory), wherein said order information generated by said first processing system and said image data stored into said first storage means by said second processing system are related to each other and output (see e.g. paragraph 0004 – image data memorized in the memory medium are read by a personal computer or the like and the image is displayed on a display, or the image is printed through a printer connected to the personal computer).*

Re claim 2, Ueda et al. disclose a print order receipt unit, wherein said image displayed on said display is a small-sized image or a thumbnail image which conforms to a size of a frame image to be displayed for an operation of an order instruction by said input means so that said first processing system can generate said order information (see e.g. paragraph 0051).

Re claim 7, Ueda et al. disclose a print order receipt unit wherein second storage means to store the image displayed on said display is provided in addition to said first storage means to store the image data of said image provided in said second processing system so that said first processing system can generate the order information (see e.g. paragraphs 006 and 0013).

Re claims 8 and 13, Ueda et al. disclose a print order receipt unit, wherein plural main units are connected to one external storage means; wherein said first storage means is external storage means provided separately from a main unit including said

reading means, said display, said input means and said first processing system (see e.g. *fig. 11*).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (2001/0042086 A1), in view of Anderson (5,903,309).

Re claims 3 and 4, Ueda et al. do not explicitly disclose a print order receipt unit wherein said first processing system displays a necessary image in accordance with a format of an image file of the image data of said image read by said reading means on said display; wherein said reading means reads only a header of said image file and said first processing system analyzes only the thus read header to determine said format of said image file.

However, Anderson discloses a unit wherein said first processing system displays a necessary image in accordance with a format of an image file of the image data of said image read by said reading means on said display; said reading means reads only a header of said image file and said first processing system analyzes only the thus read header to determine said format of said image file (see e.g. col. 7, lines 24-30).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ueda et al., and include the steps cited above, as taught by Anderson, in order to save time and resources while processing the prints.

Re claim 5, it is considered a design choice that said first processing system displays on said display a thumbnail image when said image file has said thumbnail image, an image obtained by resizing a non-compressed image data when said image file has said non-compressed image data where the thumbnail image is not recorded, and an image obtained by decompressing and resizing compressed image data when said image file has said compressed image data where the thumbnail image is not recorded. For example, Anderson discloses a variety of ways to display images read from a medium.

Re claim 6, Ueda et al. disclose a print order receipt unit, wherein the resized image is a small-sized image or the thumbnail image which conforms to a size of a frame image to be displayed for an operation of an order instruction by said input means so that said first processing system can generate said order information (see e.g. *paragraph 0217*).

5. Claims 9, 10, 11, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (2001/0042086 A1), in view of Nozaki (6,950,204).

Re claim 9, Ueda et al. do not explicitly disclose a print order receipt unit wherein a printing distribution device including said first storage means and said second

processing system is provided separately from a main unit including said reading means, said display, said input means and said first processing system.

However, Nozaki discloses a print order receipt unit wherein a printing distribution device including said first storage means and said second processing system is provided separately from a main unit including said reading means, said display, said input means and said first processing system (see e.g. col. 6, lines 36 -39 - *distributing unit 53* ).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ueda et al., and include the step wherein a printing distribution device including said first storage means and said second processing system is provided separately from a main unit including said reading means, said display, said input means and said first processing system, as taught by Nozaki, in order to allocate/outsource certain functions and therefore facilitate system maintenance and reduce costs.

Re claims 10, 12, 14, Ueda et al. do not explicitly disclose a print order receipt unit wherein said printing distribution device further includes image selection means in which an image corresponding to said order information that was generated by said first processing system of a main unit is selected and image data of the selected image is read out from said first storage means; a print order receipt unit wherein plural digital photo printers are connected to a printing distribution device including at least said second processing system; wherein plural digital photo printers are connected to a main unit including at least said second processing system.

However, Nozaki discloses a print order receipt unit wherein said printing distribution device further includes image selection means in which an image corresponding to said order information that was generated by said first processing system of a main unit is selected and image data of the selected image is read out from said first storage means (see e.g. col. 3, lines 5-9); a print order receipt unit wherein plural digital photo printers are connected to a printing distribution device including at least said second processing system (see e.g. col. 7, lines 34-43); wherein plural digital photo printers are connected to a main unit including at least said second processing system (see e.g. col. 2, lines 56-68).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ueda et al., and include the steps cited above, as taught by Nozaki, in order to efficiently manage/control the flow of sending and successfully printing images at a plurality of printers.

Re claim 11, Ueda et al. disclose a print order receipt unit, wherein plural main units are connected to one printing distribution device (see e.g. fig. 11).

6. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (2001/0042086 A1), in view of Shibata (5,933,247 A).

Re claims 15-18, Ueda et al. disclose linking the order information to the image data and outputs the image data to the printer (see e.g. *abstract - means for producing print order information on the basis of the result of operation of said objects*).

Ueda et al. do not explicitly disclose a print order receipt unit, wherein the second processing system stores said image data read into said first storage means while the first processing system displays said image from said image data on said display and receives said order instruction from said input means using said displayed image to generate order information.; wherein the second processing system stores said image data read into said first storage means and at the same time the first processing system displays said image from said image data on said display and receives said order instruction from said input means using said displayed image to generate order information; wherein the second processing system stores said image data read into said first storage means while the first processing system generates displays data of said image to be displayed and displays the image.

However, Shibata disclose a print order receipt unit, wherein the second processing system stores said image data read into said first storage means while the first processing system displays said image from said image data on said display and receives said order instruction from said input means using said displayed image to generate order information.; wherein the second processing system stores said image data read into said first storage means and at the same time the first processing system displays said image from said image data on said display and receives said order instruction from said input means using said displayed image to generate order information; wherein the second processing system stores said image data read into said first storage means while the first processing system generates displays data of said image to be displayed and displays the image (see e.g. col. 3, lines 33-62 where

*parallel processing is performed; also col. 1, lines 10-19 where an image storage process and a transmission process are described as the two processing systems).*

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ueda et al., and include the steps cited above, as taught by Shibata, in order to reduce image-processing time by using multi-tasking method.

#### ***Response to Arguments***

7. Applicant's arguments filed 9/22/08 have been fully considered but they are not persuasive. The Examiner disagrees with Applicant's argument that Ueda does not disclose the parallel processing of the storing of image data with processing of the image data by the said first processing system. It is obvious throughout Ueda's invention that multiple processing is performed including storing displaying data. Specifically in paragraph 0151, it is disclosed that "print order information is carried out concurrently with these operations (reading/storing data etc...)". Furthermore, Parallel processing is very common in the art as shown by Shibata.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luna Champagne/  
Examiner, Art Unit 3627

December 1, 2008

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627